

***HALEY WEINBLATT & CALCAGNI, LLP***  
1601 Veterans Memorial Highway, Suite 425  
Islandia, New York 11749  
631-582-5151

December 2, 2014

United States Attorney  
Eastern District of New York  
610 Federal Plaza  
Central Islip, NY 11722  
Attn: Catherine M. Mirable  
Assistant U.S. Attorney

RE: United States v. Philip Kenner & Tommy C. Constantine  
Docket Number: 13-CR-607 (JFB)

Dear Ms. Mirable:

On November 26, 2014, I received the substitute three CDs containing copies of electronic materials seized on November 13, 2013 during the execution of the search warrant at my client's home in Scottsdale, Arizona. Although your cover letter provided the password to open the electronically stored information ("files") for each CD, I was unable to access any of the files because I received the boxed notation "Compressed (zipped) folder error, Window cannot complete the transaction. The destination file could not be created". Accordingly, the passwords were ineffectual due to the "error code" message appearing on my windows based computer when the files first appear on the screen.

Notwithstanding my inability to open the files contained on the three CDs, I forwarded them to my client at the Queens Private Correctional Facility (QPCF) in the hope that his computer prowess would allow him to access the files. A moment ago, my client telephone me to advise that his counselor at QPCF, Mr. Martinez, telephone number 718-553-5420, Ext. 143, would not provide the three CDs to my client because he received the identical "error code" message and the facility will not release information contained on a CD to an inmate unless they are able to view the contents in advance of delivery to the inmate. I fear that the flash drive containing electronically stored information which was mailed today according to an e-mail from your para-legal, Ms. Hynes, will contain the same "error code" rendering the password ineffectual but I will await its arrival and advise you.

As an aside, both my client and myself were able to access the files contained on the forth CD provided under your cover letter of November 3, 2014. If your IT technicians would utilize the same software/process in copying the files on the flash drive and remaining 3 CDs I am hopeful that the problem will be resolved. I am, of course, available to receive whatever technical advice you should offer after having conferred the IT technicians who created the CDs for transmittal to the defense.

Again, I thank you for your diligence in addressing the problem once it is brought to your attention.

Very truly yours,

***Richard D. Haley***

RICHARD D. HALEY

cc: Hon. Joseph F. Bianco via ECF  
AUSA James M. Miskiewicz via ECF  
AUSA Saritha Komatireddy via ECF